# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/679,957 | 10/06/2003 | Rajendra Wall | 10604 | 3561 |

| 7590 04/23/2007 | | | EXAMINER |
|---|---|---|---|
| National IP Rights Center, LLC | | | RICHMOND, LEAH L |
| Suite 400 | | | |
| 550 Township Line Road | | ART UNIT | PAPER NUMBER |
| Blue Bell, PA 19422 | | 2609 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 04/23/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

| | Application No. | Applicant(s) |
| :--- | :--- | :--- |
| **Office Action Summary** | 10/679,957 | WALL, RAJENDRA |
| | Examiner | Art Unit | |
| | Leah L. Richmond | 2609 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _06 October 2003_.

2a)☐ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1 - 4_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 - 4_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 October 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All    b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

# DETAILED ACTION

### *Objections to Drawings*

Figures 1 through 4 are drawn and labeled by hand.  The drawings are objected

to because they are handdrawn- Corrected drawing sheets in compliance with 37 CFR

1.121(d) are required in reply to the Office Action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended.  The figure or figure number of an amended drawing should not be labeled as

"amended".  If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency.  Additional replacement sheets may be

necessary to show the renumbering of the remaining figures.  The replacement sheet(s)

should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so

as not to obstruct any portion of the drawing figures.  If the changes are not accepted by

the Examiner, the Applicant will be notified and informed of any required corrective

action in the next Office Action.  If a response to the present Office Action fails to

include proper drawing corrections, corrected drawings or arguments therefor, the

response can be held NON-RESPONSIVE and/or, the application could be

ABANDONED since the objections/corrections to the drawings are no longer held in

abeyance.

### *Objections to Specification*

On page 8, paragraph 2 of the specification it states: "... step 120. In step 130,

the processing system 11 then makes a first ..." processing system 11 is an element of

Fig. 1, yet the rest of the paragraph is talking about Fig. 2. For clarity, change this line

to read " ... step 120. In step 130, the processing system 11 of Fig. 1 then makes a first

..." There are several other instances of this in the same paragraph.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 4** are rejected under 35 U.S.C. 102(b) as being anticipated by **Jain**

**et al. (U.S. Patent # 6085101).**

Consider **claim 1**, Jain et al. clearly show and disclose a method for sending and

delivering multicast pager messages, comprising the steps of creating a group of users

comprising a plurality of members (Col. 6, line 65 – Col. 7, line 4: "The message

provider may specify a list of addresses to be stored in the CPR [Call Processing

Record]. The list may be accessed at a later time for sending future messages to the

same recipients. In that case, the message provider need only enter the new message, and the system uses the stored list of addresses to deliver the message. The message provider may also retrieve the list of stored addresses, and delete or add numbers to it ..." and Col. 6, lines 58 - 62: "Alternatively, advanced multicast service may require a CPR created for each user. The CPR is modified to accept and store a message delivery list. This list is a directory of recipient addresses, or phone numbers, to which the message is to be delivered."), receiving a message from a member of the group of users (Col. 7, lines 22 - 30: "Security against unauthorized access to the lists is possible. For example, lists may be password or personal identification number (PIN) protected in the same way that automated banking accounts are, for example. Another example may be permitting access to lists only from a particular phone number. This may be accomplished using "caller ID" technology, where the list may be accessed where the telephone number from which the call is originating matches the authorized phone number (or numbers)."), and transmitting the message to the plurality of members of the group of users (Fig. 3 and Col. 7, lines 33 - 40: "Alternatively (or in addition), the IP 306 may receive the list of destinations from the CPR 310. The IP then connects the message to one or more outgoing lines at the same time. The call connections may be made in the usual manner. The message provider may then instruct the system to deliver the information immediately.").

Consider **claim 2,** Jain et al. clearly show and disclose a method for sending and delivering multicast pager messages, comprising the steps of creating a group of users comprising a plurality of members (Col. 6, line 65 – Col. 7, line 4: "The message

provider may specify a list of addresses to be stored in the CPR [Call Processing

Record]. The list may be accessed at a later time for sending future messages to the

same recipients. In that case, the message provider need only enter the new message,

and the system uses the stored list of addresses to deliver the message. The message

provider may also retrieve the list of stored addresses, and delete or add numbers to it

..." and Col. 6, lines 58 - 62: "Alternatively, advanced multicast service may require a

CPR created for each user. The CPR is modified to accept and store a message

delivery list. This list is a directory of recipient addresses, or phone numbers, to which

the message is to be delivered."), receiving a message from a sender to the group of

users, determining if the sender is a member of the group of users, and if the sender is

determined to be a member of the group of users (Col. 7, lines 22 - 30: "Security

against unauthorized access to the lists is possible. For example, lists may be

password or personal identification number (PIN) protected in the same way that

automated banking accounts are, for example. Another example may be permitting

access to lists only from a particular phone number. This may be accomplished using

"caller ID" technology, where the list may be accessed where the telephone number

from which the call is originating matches the authorized phone number (or numbers)."),

transmitting the message to the plurality of members of the group of users (Fig. 3 and

Col. 7, lines 33 - 40: "Alternatively (or in addition), the IP 306 may receive the list of

destinations from the CPR 310. The IP then connects the message to one or more

outgoing lines at the same time. The call connections may be made in the usual

manner. The message provider may then instruct the system to deliver the information immediately.").

Consider **claim 4,** Jain et al. clearly show and disclose a method for sending and delivering multicast pager messages, comprising the steps of creating a public group and allowing individuals to join the public group (Col. 6, lines 55 - 62: "A basic multicast service may have one or more dedicated CPRs [Call Processing Record] which anyone may access by dialing the predesignated number. Alternatively, advanced multicast service may require a CPR created for each user. The CPR is modified to accept and store a message delivery list. This list is a directory of recipient addresses, or phone numbers, to which the message is to be delivered." and Col. 6, line 65 – Col. 7, line 3: "The message provider may specify a list of addresses to be stored in the CPR. The list may be accessed at a later time for sending future messages to the same recipients. In that case, the message provider need only enter the new message, and the system uses the stored list of addresses to deliver the message."), receiving a message from a member of the public group (Col. 7, lines 22 - 30: "Security against unauthorized access to the lists is possible. For example, lists may be password or personal identification number (PIN) protected in the same way that automated banking accounts are, for example. Another example may be permitting access to lists only from a particular phone number. This may be accomplished using "caller ID" technology, where the list may be accessed where the telephone number from which the call is originating matches the authorized phone number (or numbers)."), and delivering the message to all members of the public group (Fig. 3 and Col. 7, lines 33 - 40:

"Alternatively (or in addition), the IP 306 may receive the list of destinations from the

CPR 310. The IP then connects the message to one or more outgoing lines at the

same time. The call connections may be made in the usual manner. The message

provider may then instruct the system to deliver the information immediately.").


## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time
> the invention was made to a person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.


**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jain et**

**al. (U.S. Patent # 6085101)** in view of **LaPorta et al. (U.S. Patent # 5918158).**

Consider **claim 3**, Jain et al. clearly show and disclose a method for sending and

delivering multicast pager messages, comprising the steps of creating a group of users

comprising a plurality of members (Col. 6, line 65 – Col. 7, line 4: "The message

provider may specify a list of addresses to be stored in the CPR [Call Processing

Record]. The list may be accessed at a later time for sending future messages to the

same recipients. In that case, the message provider need only enter the new message,

and the system uses the stored list of addresses to deliver the message. The message

provider may also retrieve the list of stored addresses, and delete or add numbers to it

…" and Col. 6, lines 58 - 62: "Alternatively, advanced multicast service may require a

CPR created for each user. The CPR is modified to accept and store a message

delivery list. This list is a directory of recipient addresses, or phone numbers, to which

the message is to be delivered."), receiving a message from a sender to the group of

users, determining if the sender is a member of the group of users, and if the sender is

determined to be a member of the group of users (Col. 7, lines 22 - 30: "Security

against unauthorized access to the lists is possible. For example, lists may be

password or personal identification number (PIN) protected in the same way that

automated banking accounts are, for example. Another example may be permitting

access to lists only from a particular phone number. This may be accomplished using

"caller ID" technology, where the list may be accessed where the telephone number

from which the call is originating matches the authorized phone number (or numbers)."),

transmitting the message to the plurality of members of the group of users (Fig. 3 and

Col. 7, lines 33 - 40: "Alternatively (or in addition), the IP 306 may receive the list of

destinations from the CPR 310. The IP then connects the message to one or more

outgoing lines at the same time. The call connections may be made in the usual

manner. The message provider may then instruct the system to deliver the information

immediately."). Jain et al. do not disclose receiving a reply message from another

sender to the group of users and transmitting the reply message to the plurality of

members of the group.  However, LaPorta et al. clearly show and disclose receiving a

reply message from another sender to the group of users and transmitting the reply

message to the plurality of members of the group (Col. 13, line 64 – Col. 14, line 5:

"Fig. 7 shows a highly schematic depiction of message delivery procedures.  The

originator of the message, S 200, transmits its message into the network through its

serving batch server, BS-S 208, via a PG2BS-NEW message.  This PG2BS-NEW

contains the address of S, an array of recipient addresses, an array of reply-to-

addresses, and the coded message.  In this example, the recipients listed are R1 202,

R2 204, and R3 206, and the reply-to-address is the address of the message originator,

S 200." and Col. 15, lines 26 - 30:  "Fig. 8 shows the flow for the reply to a message

generated above.  At a high level, the reply flow is symmetrical to the message

origination flow.  In this example, the recipient, R 240 generates the reply (REPLY),

which is received by batch server BS-R 242."  and Col. 15, lines 50 - 54:  "The

remaining portion of the reply delivery flow is similar to the message delivery flow:  the

user agent 246 of the device receiving the reply is contacted to determine where to

deliver the reply, and the reply is sent to the distribution server 250 for delivery.").  In the

particular example mentioned by LaPorta et al., the content of the recipient addresses

array is different from the content of the reply-to array.  However, Examiner takes

Official Notice that it is notoriously well known in the art that an array may be duplicated.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to copy the contents of the recipient addresses array into the

reply-to array and incorporate receiving a reply message from another sender to the

group of users and transmitting the reply message to the plurality of members of the

group, as taught by LaPorta et al., in the method for sending and delivering multicast

pager messages, as in Jain et al., for the purpose of allowing a member of the group to

reply to a message so that the group may see the reply.


### *Conclusion*

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

**to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Leah Richmond whose telephone number is (571) 270-

1774. The Examiner can normally be reached on Monday-Thursday from 9:00am to

6:00pm Eastern Standard Time.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

*Leah Richmond*
L.L.R./llr


April 19, 2007

RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER